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THE
STANDING ORDERS
OF THE
HOUSE OF LORDS
OF
IRELAND, *House of Lords*
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TRANSCRIBED FROM A COPY PRINTED BY THEIR LORDSHIPS
ORDER, 11th FEBRUARY, 1790.

ACCURATELY COMPARED,
WITH THE LEADING CASES;
THE DATES AND CAUSES OF THEIR ORIGIN,
CONSTRUCTION AND APPLICATION,
EXTRACTED FROM THE
JOURNALS OF PARLIAMENT
IN
GREAT-BRITAIN AND IRELAND.

BY THE RIGHT HONOURABLE
LORD MOUNTMORRES, F. R. S. *Morres*
K

L O R D S

1794.

*Present from Lord Mountmorres
this day. F. R. 20. June 1795.*



PRELIMINARY.

UPON the revival of the Appellant Jurisdiction, in 1782—3, which had been suspended from 1719, by an English Act of Parliament; the Lords of Ireland, revised their Standing Orders.

The corresponding form, in which they *now* appear; where Articles of the same tenor are classed, and follow each other; was the work of a Committee, which sat for Three Months.

The labor fell principally, upon the Arch Bishop of Cashell, and the Author; the House were pleased to adopt the present arrangement, and to honor their labors with their approbation.

Of One Hundred and Thirty-one Orders on the Roll, of the English Standing Orders; Seventy Nine have been adopted by the House of Lords of Ireland.

The English Orders, generally contain a short Preface, with the leading Case, or reason of their construction. The Irish Orders, prescribe the Rule, without any comment.

But, the present Compilation, with the following Remarks, will, it is hoped, display and trace the whole of the subject; because, the figures in the margin denote the place of the corresponding Order, on the English Roll, (which has not yet been printed by *Authority*); and the Date which follows the letters *E. O.* or, *English Order*, relate to the place in the English Journals, which have not yet been indexed.

These Remarks are at the *inside* of the page: and those in the exterior part, cite those Cases, which originated, or explain the reason and practice of the Rule in Ireland.

The Privilege of the Baronage, and the Judicature in Parliament, of the learned Selden, are Compilations, equal in Authority to the Orders, or Journals of the British Peers; because, it appears by a Report of a Committee, prefixed to the *first* Work,*
that

* Seldeni Opera, Vol. III. p. 1473.

We, the Lords of the Sub-Committee for Privileges, received of the Hands of John Selden, Esq. of the Inner Temple, *who*, by Order of the House, was to draw up a Collection touching the Privileges

that they were compiled by the Order, and published under the sanction of the House of Lords, in 1621.

In Ireland there are Orders, relative to assumed Titles; to Custody; to Bills about the Peerage, originating in that House; to separate Bills for Private Grants to Individuals: which are not to be found on the English Roll.

The well known principle, that in all cases where the Voices are equal, the Question passes in the Negative, in the House of Lords, is not to be traced on the English Roll.

But, it is expressed in the 84th Standing Order in Ireland, as explanatory of the Rule for putting the Question for reversing; and not for affirming Decrees

vileges of the Peers of Parliament; a Volume, containing these Heads before mentioned; and in the same manner handled, as before expressed. The number of Heads are Seven on the one Hand, and Thirteen of the other.

Dec. 6, 1621.

E. SHEFFIELD,	W. SAY and SELE.
H. ROCHFORD,	E. DENNY.
D. NORTH.	

Upon a Question arising some Time afterwards, in the House of Lords, relative to "Peers answering upon Honor in the Courts of Law," Selden's Collections were cited; quoted as having been made under their Sanction; and as Books, of an Authority equivalent to their own Records.—*Lord's Journals*, Vol. III. p. 197.

crees and Judgements, upon Appeals, or Writs of Error,

The Fifty-second, English Standing Order, framed in *January* 1689, has not been adopted in Ireland; and it is *now* of no importance, because Trials of Peers in full Parliament, have been legalized by Statutes in both Kingdoms; in England, soon after the Revolution; in Ireland, by a Law in 1773-4, presented by the Earl of Bellamont.

The most important of those which have not been adopted in Ireland; relate to Entries of Pedigrees, and Proofs of Genealogies in the Herald's Office, framed in 1767, which have not yet been transcribed on their Roll, and are only Resolutions on the Journals of the Lords of Ireland,

Some others, which have not been as yet adopted in Ireland, relate to reading Bills only once in a day; to local and peculiar matters; such as, preventing disturbances when the King is present; and to settling Estates in Scotland in Private Bills.

But, two Orders are of more importance; one, relating to a precedence to be given to Causes, on Days peculiarly appointed for that purpose; the other, relative to the Protection of the Works of Noble Authors.

This

This last is transcribed at length, because it is curious in itself; and it is rendered more so, by an Anecdote in Dr. *Johnson's Lives of the Poets*, relative to Pope.*

113, E. O. 31st January, 1721.

Notice being taken, that the Works, Lives, and last Wills of divers Lords of this House, had been frequently printed imperfectly, after their deaths, without the direction or consent of the Heirs, Executors, and Trustees of such Lords; it is therefore resolved and declared by the Lords Spiritual and Temporal, in Parliament assembled, that if after the death

* *Johnson's Lives of the Poets*, Vol. IV. p. 91.

One of the Passages of Pope's Life, which seems to deserve some enquiry, was a Publication of Letters, between him and many of his Friends, which falling into the Hands of *Curll*, a rapacious Bookseller, of no good Fame, were by him printed and sold.

This Volume, containing some Letters from Noblemen (Sheffield, Duke of Buckinghamshire, Lord Landdown, &c. &c.) Pope incited a Prosecution against him in the House of Lords, for a Breach of Privilege, and attended himself, to stimulate the Resentment of his Friends.

Curll appeared at the Bar, and, knowing himself in no great danger, spoke of Pope with very little Reverence. "He has," said *Curll*, "A knack at Versifying; but in Prose, I think myself a match for him."

When the Orders of the House were examined, none of them appeared to have been infringed. *Curll* went away triumphant, and Pope was left to seek another remedy.

death of any Lord of this House, any person presumes to print, or publish in print, his Works, or any part of them, not published in his life-time; or his Life, or last Will, without consent of his Heirs, Executors, Administrators, or Trustees, the same is a Breach of the Privilege of this House.

It is very remarkable, that there are no Regulations whatsoever, to be traced in the Standing Orders of the House of Lords, in Great Britain; or Ireland; relative to Proceedings on Criminal Cases, or Impeachments.

This is more extraordinary in England, where so many more Instances of Impeachments occur, than in Ireland; the only Cases of that sort to be traced in the Irish Journals, (which have been noted in their proper place) are, the Impeachments of the Chancellor Bolton; of the Bishop of Derry; the Chief Justice Lowther; and Sir George Ratcliffe, on the 27th of *February*, 1640-1.

And also the Accusation of the Chancellor Sir Charles Porter, in 1695-6, where the House of Commons decided, that there were no grounds for an Impeachment.

RULES AND ORDERS

TO BE OBSERVED IN THE

UPPER HOUSE OF PARLIAMENT.

Beginning of the Parliament.

I. **T**HE first Work commonly done either at the beginning of a Parliament or of a Session, after Prayers are said, is, that some Bill *pro forma* be read, and then a motion is to be made for a Committee to be chosen out of the House, which shall stand all the Sessions, to review the Orders of the House, and see from Time to Time, that they be duly observed; as also for other standing Committees of Religion, Trade, Privileges and Grievances, &c.

2. *Form of Writs.*—If there be any Difference in the form or Style of the Writs from the Antient, it is to be examined how it cometh, and a strict course taken for Punishing for the time past, and for future Amendment.

3. *Introduction of Peers.*—Resolved, that all Peers of this Realm by Descent, being of the Age of Twenty-one Years or upwards, may come and sit in the House of Peers, without any introduction; no such Peers ought to pay any Fees to any Herald upon their first coming into the House of Peers, neither shall they be

C

intro-

* The reason of this date occurring so frequently, was; that the House of Lords of Ireland, revised and adopted a great part of their Orders in 1692; when the first regular and legal Parliament was held, after the Revolution: after an interval of nearly twenty five years from 1666; and the Orders of that date followed each other chronologically on the Roll; before the whole body was classed in the present corresponding arrangement, in 1783-4.

- I.* introduced into the House by any Herald, or *E.*
with any Ceremony, tho' they should desire the
same.

Case of 4. Upon the introduction of any Lord or
Lord Ayl- Peer into this House, that neither in his own
mer, in Person nor his Ancestors sat there before; he is
1777-8. to be brought in his Robes, attended by the
King at Arms and Gentleman Usher, support-
ed by two of his own Bench; and to bring his
Patent, or the Inrollment thereof, and his
Writ along with him; and after he is sworn
and hath subscribed, then he is to take his Place.

9th Feb. 5. Resolved, that every Peer of this Realm 89 E. O.
1784. claiming by virtue of a special Limitation in 28 June
Remainder; and not claiming by Descent; shall 1715.
be introduced.

2d Nov. 6. *Oaths and Subscriptions.*—Every Lord, 92 E. O.
1692. before he be admitted to sit in the House, is to 19th March
take the Oaths, and subscribe the Declaration, 1678.
Case of the pursuant to the Act made in *England*, in the
Earl of third Year of the Reign of our Sovereign Lord
Farnham, and Lady, King William and Queen Mary,
in 1791. intitled, an Act for abrogating the Oath of
Supremacy in *Ireland*, &c. And by an Act
passed in this Kingdom in the 21st and 22d
Geo. 3. ch. 48, intitled, an Act for extending
certain of the Provisions contained in an Act,
intitled, an Act confirming all the Statutes made
in *England*. And no Lord is to leave the Ser-
vice of the House, tho' with the leave of the
House, for above seven Days, without leaving
his Proxy.

Obsolete. 7. *Respect to the House.*—Before the House 10 E. O.
sit, so much Respect is to be had to the Room, obsolete.
that none but Members of the House ought to
be covered there, not so much as the eldest Son
of any Peer whatsoever, unless he be called by
Writ. Neither is any other Person to stay there
or

E or any Attendant of any Nobleman, but whilst he brings in his Lord, and then he is to retire himself: When the House is sat, every Lord that shall enter is to give and receive salutations from the rest, and not to sit down in his Place until he has made his Obeisance to the Cloth of State.

7.
2d Nov.
1692.

1 E. O. 8. *Order of Sitting.*—The Lords are to sit in the same Order as they do at his Majesty's or his Deputy's being there, except that the Lord Chancellor sitteth on the Wool-Sack, as Speaker to the House, and the Lord Treasurer on the Earl's Bench.*

Cafe of Ld
Cork, the
last effi-
cent Lord
HighTrea-
surer in
1666.*

7 E. O. 9. *Adjournment.*—At the Beginning of the Parliament, before it be met, if the Day be adjourned, it is done by Writ, which is directed to both Houses; and in that case the House of Commons is to be called in, and to stand uncovered below the Bar, but not before the Lords be all sat, who sitting and being covered, the Lord Chancellor useth some Words unto them to let them know the Cause of their Meeting, which he doth uncovered, because he speaketh to both Houses, and after the Writ read, he adjourns the Court.

If it be an Adjournment of a Session only, it is done by Commission to some of the Lords of the Upper House, in which case none of the House of Commons are present; and the Commission is to be sent down to the House of Commons, upon such Adjournment performed by the House of Lords accordingly.

10. *Rules and Orders to be read at the beginning of every Session.*—For the better preservation of Order in this Honourable House in their Debates and Proceedings upon such Business as comes before them: it is ordered, that the Rules and Orders of this House be publicly read in

This rule
is generally
observed in
Ireland.

- I. the House at the beginning of every Session, That so no Man may transgress his Duty for want of sufficient knowledge. 3.

21 Nov.
1692.

They were formerly signed by two Peers. The usage in the time of Lord Lifford, the late Chancellor, was to read the minutes before the rising of the House, on the same day.

Practised in 1767, and in 1769.

The Stat. of 26 H 8, is not in force in Ireland. in the case of Lord Castle Stewart, in 1634, the Judges decided that the King could give precedence in Ireland. — Annals, in 1767, on the Death of Chancellor Bowes.

11. *Journal Book.*—For the better preservation of the Journals of this House, it is ordered that a Committee be appointed by the House, at the beginning of every Session, to inspect, revise, and correct the Journals, before they be entered in the Journal-Book, and that the Minutes of the preceding Day be read in the House the Day following, where the same have not been read the Day before, by reason of a Motion for Adjournment. 91 E. O. 23 May 1678.

12. *House to be called.*—It is to be observed, that in the first Week of every Session the House is to be called, and Notice taken of such Lords as have not appeared according to the Writ or Summons, or have departed the Service of the House without leaving their Proxy pursuant to a rule above mentioned, and the House to be called over as often as cause requires. 27 E. O. 28 June 1715.

13. *Precedency of Lords.*—For settling Controversies that may arise between the Peers about Precedency, it is thought reasonable that every Peer upon a new Creation shall have Place according to the Time of his Creation and the Date of his Letters Patents; and every other ancient Peer is to hold his Place and Precedency according to his Antiquity and Creation. 86 E. O. 10th April 1628 was grouped on the famous case of the Earl of Banbury.

14. *Speaker of the House.*—It is the Duty of the Lord Chancellor, or Lord Keeper of the Great Seal of Ireland, ordinarily to attend the Case of Ld. Lords House of Parliament, and in case they or either of them be absent from the House of Peers, and there be none authorized under the Great Seal from the King to supply that Place in 9 June 1660. 13 E.

R. in the House of Peers, the Lords may then choose their own SPEAKER during that Vacancy. *I.*

2 E. O. 15. *Speaker's Office.* The Lord Chancellor when he speaks to the House is always uncovered, and is not to adjourn the House, or do any Thing else, as the Mouth of the House, without Consent of the Lords first had, excepting the ordinary Things about Bills; which are of the ordinary Course wherein the Lords may likewise overrule, as for preferring of one Bill before another and such like. And in Case of Difference amongst the Lords, it is put to the Question, and if the Lord Chancellor will speak to any such Thing particularly, he is to go to his own Place as a Peer. *2d Nov. 1692. This Order was infringed in 1769, in the memorable case of Ld. Townshend's Protest on the Prorogation.*

20 E. O. 16. *Order of Speaking and Votes.*—Every Man speaks standing and uncovered, and names not the Members of the House by their Names, but the Lord that spake last, last but one, last but two, &c. or by some other Note of their Speech; at Votes the lowest (after the Question is once put by the Lord Chancellor) begins first, and every Man in his own turn riseth uncovered, and only saith, CONTENT, or NOT CONTENT. *30th March 1670. The latter part of this order is not practised, except on Trials of Peers, and Impeachments.*

14 E. O. When any Lord speaks, he is to address his Speech to the rest.

45 E. O. 17. *Orders to be read.*—The Clerk is to read no Order till the Lord Chancellor first demand the Assent of the House, and the Clerk is to read every Order first in the House before it is entered. *In the case of Lord Townshend's Protest in 1769, this Order also was infringed.*

13 E. O. 18. *Order to be kept.*—The Lords in the Upper House are to keep their Dignity and Order in sitting as much as may be, and none to move out of their Places, without just Cause,

- J.* to the hindrance of others that sit near them, and disorder of the House; but when they must needs go cross the House from one Side to the other, they are to make Obeisance to the Cloth of State. *E.*

2d Nov.
1692.

19. *Lords not to discourse together when the House is upon Business.*—If any Lord have occasion to speak to another Lord in this House while the House is sitting, they are to go together below the Bar; or else the Speaker is to stop the Business in Agitation. 18 E. O.
March 30,
1670.

20. *Asperity of Speech to be avoided.*—For preventing of Misunderstanding, and for avoiding of offensive Speeches when Matters are debated either in the House or at Committees, it is for Honour's sake thought fit that all personal, sharp and reflecting Speeches be foreborne; and whosoever answereth another man's Speech, shall apply his Answer to the Matter, without wrong to the Person; and as nothing offensive is to be spoken so nothing is to be ill taken, if the Person that speaks shall presently make a fair Exposition, or clear Denial of the Words that might bear an ill Construction: And if any Offence be given in that kind, as the House itself will be very sensible thereof, so will it sharply censure the Offenders, and give the Party offended a fit Reparation and full Satisfaction. 15 E. O.
12 13 June
1626.

21. *Quarrels to be avoided.*—For avoiding all Mistakes, Unkindnesses, or other Differences, which may grow to Quarrels tending to the breach of Peace, it is ordered, that if any Lord shall conceive himself to have received an Affront or Injury from any other Member of the House, either in the Parliament-House or at any Committee, or in any of the Rooms belonging to the Lords House of Parliament, he shall appeal to the Lords in Parliament for his 16 E. O.
9th August
1641.
N. B. At the breaking out of the great Rebellion.

E. his Reparation: which if he shall not do, but *I.*
 occasion or entertain Quarrels, declining the
 Justice of the House, then the Lords that shall
 be found delinquent therein, shall undergo the
 severe Censure of the House of Parliament.

48 E. O. 22. *Calling Members to the Bar.*—As to 2d Nov.
 28th May calling Members of this High Court to the 1692.
 1624. Bar, their Lordships hold it fit to be very well
 weighed at what time and for what Causes it
 shall be done. This latter
 part of the
 Order was
 added by
 LordStraf-
 ford's in-
 fluence.
 in 1634-5.

And therefore none are to be called to the Bar
 but such only who *shall express* any Reflections
 on their Majesties or their *Chief Governor*, or
 against this Honourable House, or any Member
 of the same, or for such other Cause as the
 House shall think fit.

23 E. O. 23. *Proceeding on Bills.*—For Bills, they are Hence a
 25th Nov: commonly let pass *at the first reading*, without Lord may
 1691. speaking to, unless Motion be made against the present a
 Bill with-
 out asking
 leave.
 and they are to be committed upon Motion after
 the second reading.

19 E. O. No Man is to speak twice to one Bill at one
 30 March time of reading it; or to any other Proposition:
 1670. unless it be to explain himself in some material
 Point of his Speech; (but to no new matter,)
 and that not without the Leave of the House
 first obtained.

24. Resolved, That all Bills which any way- 9th Feb.
 affect the Rights of *Peerage*, are to take their 1784.
 rise in this *House*.

90 E. O. 25. *Restitution in Blood.*—No act of restitu- 2d Nov.
 2d March tion in Blood shall be proceeded upon in Par- 1692.
 1664. liament until the same be first allowed by the
 King's Majesty, and that then it is first to be-
 gin in the House of Peers.

26. *Voiting*

- J. 26. *Voting*.—When a Question has been *E.*
intirely put by the Speaker; no Lord is to *speake* 17 E. O.
against th. Question before voting. 9th Jan.
1673.

After a Question is put, and the House, has 21 E. O.
voted thereupon; no Lord is to depart out of March 13,
his Place, until th House has either entered 1690.
ad Nov. upon some other Business, or upon consideration
1792. of adjourning the House.

27. *Who are to go out upon dividing of the* 22 E. O.
House.—When there shall be a division in the 25th Nov.
House upon any Question; the *Contents* shall go 1691.
below the Bar; and the *Not-Contents* shall stay In England
within the Bar. Commi-
tees di-
vide thus;

28. *Concerning the Judges*.—The Judges in Ireland,
sitting by are not to be *covered*, until the Lords from right
give them Leave, which they ordinarily signify, to left; as
by the Lord Chancellor; and they being ap- in the House
pointed to attend the House, are not to *speake* of Com-
or deliver any Opinion, until it be required, mons.
and they be admitted so to do by the major 4 E. O.
Part of the House; in case of *Difference*, the 9th June,
learned Counsel are likewise to attend on the 1660.
Wool-Sack, but are never covered*.

29. *Officers and Attendants*.—The Usher of
the Black Rod is to wait without the Bar, and
there to *speake* as Occasion is. The Serjeant
at Arms is to wait without in the next Room,
and not to come in unless called.

30. Resolved, That the Clerks and inferior 115 E. O.
Officers attending this House, shall not be at 6th Feb.
any time suspended, or displaced from their 1723.
offices or employments, without the Leave of
this House.

31. *No*

* In the English Orders those Judges, who are Privy
Counsellors, are included. But this Order is seldom
practised in either Kingdom.

E. 31. *No Motion after Two of the Clock.*—No **I.**
Motion of any new Matter shall be made in
this House after two of the Clock, except it be
within the Orders of the Day. Obsolete.
30th July,
1707.

Obsolete. 32. Ordered, That after the Minutes are 19th Dec.
read; no other Motion be made but that of 1713.
Adjournment.

33. Resolved upon the Question, *Nemine* 24th Sep.
contradicente, That when any Lord shall at any 1723.
Time move for an Address either to the King's
Majesty, Lord Lieutenant, or other Chief
Governor or Governors of this Kingdom, if
the Motion so made shall specify divers Heads
to be included in such Address, no Question
shall be put upon the Whole at once; but that
a Question shall be put upon each Head in such
Order as they shall be mentioned in each
Motion, to the Intent that each Lord may have
a sufficient Opportunity of offering his Sense
touching the same, or any amendments he shall
think fit to propose being made thereunto.

304 E. O.
28th April,
1699.
Generally
in use; and
upon this
the efficacy
of a Stand-
ing Order
depends. 34. *Motions against Standing Orders.*—No 30th July,
1707.
Motion shall be granted; for dispensing with a
Standing Order of this House, the same Day
the said Motion is made; nor before the House
shall be summoned, to consider of the said
Motion.

28 E. O.
9th May,
1626. 35. *Committees of the House.*—To have 2d Nov.
1692.
more Freedom of Speech, and that Argument
may be used *pro et contra*, Committees are ap-
pointed for Bills; sometimes to facilitate and
agree of great Business, either of the whole
House or of particular Committees of the
whole House, who sometimes sit in the Upper
House, but then the Lord Chancellor sits not
on the Wool-Sack as Speaker. If they be of
fewer Number, commonly they meet in one
of the Committee Rooms adjoining to the
House

A House of Lords; any of the Lords of the Committee speaks to the rest uncovered, but may sit still if he please. The Committee are to be attended by such Judges as shall be appointed, who are not to sit there, nor be covered, unless it be out of Favour. For Infirmary, some Judge sometimes has a Stool set behind him, but never covers; the rest never sit or cover.

B

2d Nov.
1692.

36. It is to be observed, that in any select Committee of the Lords, any Member of the Lords House, tho' not of the Committee, is not excluded from coming in and speaking, but he must not vote; as also, he shall give Place to any that are of the Committee, tho' of lower Degree, and shall sit behind them.

37. *Committee of the House.*—If it be desired^{28, 29, 30,} by any Lord that the House may be put into a Committee, it ought not to be refused. Every^{E. O.} Lord is to rest in his own Place when the House^{13th May,} is put into a Committee,^{1626.}

There is
some differ-
ence be-
tween the
Lords of
England
and Ireland
in this re-
spect.

38. *Messages.*—For meeting with any of the^{35th E. O.} Lower House, it is either upon occasions of^{5th April,} Message, which they send up, or upon Con-^{1707,}ference when they come up. The manner is this: After the Lords have Notice given them by the Usher of the House that they have sent unto the Lords, they attend until the Lords have put that Business to some End, wherein they are; and the Lords, sitting all covered, send for them in, who stand all at the lower End of the Room, and then the Lord Chancellor, with such as please, rise, and go down to the middle of the Bar; then the Chief of the Committee, in the midst of them, and the rest about him, come up to the Bar, with three Courtiers, and deliver their Message to the Lord Chancellor, who, after he has received it, retires himself to his former Place; and the House being

E. being cleared and settled, he reports it to the Lords, who help his Memory, if any thing be mistaken; and after the Lords have taken Resolution, if the Business require any Answer, they are called in, and approaching to the Bar, with three Courtiers as before, and the House sitting in Order, and covered as before; the Lord Chancellor sitting on the Wool-Sack covered, does give them their Answer in the Name of the House; or else, if the Resolution be not speedy, the Lords send them Word by the Usher, that they shall not need to stay for the Answer, but that their Lordships will send by some express Messenger of their own.

39. Here is to be noted, that the Lords never send to the House of Commons any Member of their own, but either by some of the learned Counsel, Masters of the Chancery, or such like, which attend, and in weighty causes some of the Judges; nor are the House of Commons ever to employ unto the Lords, any but of their own Body.

40. Order of Meeting and Conference.*—The Place of Meeting with the House of Commons, upon Conference, is usually the Conference Chamber, *below Stairs*, between both Houses, where they are commonly before the Lords come, and expect the Lords Leisure. The Lords are to come thither in a whole Body, and not some Lords scattering before the rest, which both takes from the Gravity of the Lords, and besides may hinder the Lords from taking their proper Places. The Lords are to sit there and be covered; but they of the House of Commons are at no Committee or Conference, either to be covered or sit down, unless it be some infirm Person, and that by Connivance, in a Corner out of sight, but not covered.

41. No Parliament House commenced, & was finished in 1731.

* History of the Irish Parliament, v. 2. p. 194, 199

7. Conferences between the two Houses in former times, have been attended with fatal consequences in Ireland. Parliament was dissolved in 1666, upon a trivial dispute, at a conference, and they did not meet till 1692, in a regular & legal way; tho' James the Second held a Parliament in 1689-90, all whole Acts were annulled after the Revolution.* Hist. of the Irish Parliament v. 2. p. 179. 2d Nov. 1692. This alludes to Chichester House, before 1727; at which period the New Pa-

- I.** 41. No Man is to enter either when the whole House sits, or at any Committee or Conference, unless it be such as are commanded to attend, but such as are Members of the House, upon pain of being punished severely, and with Example to others. None are to speak at a Conference with the Lower House, but those that be of the Committee, and when any Thing that has been committed is reported, all the Lords of the Committee are to stand up uncovered.
- 2d Nov. 1692. The last conference in Ireland, was in 1737
- F.** Obsolete, 38-39 E.O.
42. *Lords not to answer Accusations in the House of Commons.*—No Lord shall either go down to the House of Commons, or send his Answer by Writing; nor appear by Counsel to answer any Accusations there, upon Penalty of being committed to the Black-Rod, or the Castle of *Dublin*, during the Pleasure of the House; it being the Privilege of the Lords to answer Accusations in their own House.
- Case of the Chancellor Porter, in 1695-6.
- 50 E. O. 20th June, 1673.
- Case of the Duke of Buckingham, &c.
- 18th Dec. 1775. 43. *Lords not to Petition the Commons without Leave.*—Resolved by the Lords Spiritual and Temporal in Parliament assembled, That every Lord of Parliament who shall at any Time have occasion to petition the Lower House, shall first apply for leave of this House.
- 2d Nov. 1692. altered by 11 and 12 Geo. 3. ch. 12. 44. *Privileges.*—All Lords of Parliament have Privilege of freeing from Arrests their Menial Servants, and those of their Family, as also those employed necessarily and properly about their Estates, as well as Persons, for the Space of forty Days before the Beginning or Meeting of a Parliament, and for forty Days after Prorogation or Dissolution of the same Parliament; and have also Privilege of freeing the Goods of such Persons as aforesaid from Execution for the Space of fourteen Days before any Parliament shall meet or be re-assembled,
- 65 E. O. 28th May, 1624.

E. bled, and likewise for fourteen Days after the Dissolution or Prorogation thereof. *I.*

45. Of all Inroachments and Breaches of Privileges, some strict Example should be made at first, and Records kept exactly both of all Things to be observed, and of all Punishments to be inflicted upon the Breakers, to deter others, be it out of Malice or Negligence.

Nov. 2,
1692.

46. All the Lords are to be very careful in this Point, and to remember the ground of this Privilege, which was only in respect they should not be distracted by the Trouble of their Servants from attending the serious Affairs of the Kingdom, and that they will not therefore pervert that Privilege to the public Injustice of the Kingdom, which was given them only that the whole Realm might, in this Court, draw the clearer Light of Justice from them; in which Case every one ought rather to go *far* within, than any way exceed, the due Limits. Before any Person be sent for in this kind, the Lord whom he serves, shall, either by himself or by his Letter, or by some Message, certify the House upon his Honour, that the Person arrested is within the Limits of the Privilege before expressed, and for the particulars they must be left to the Judgment of the House, as the particular Cases shall come in Question, wherein the House wants not all means, as well by Oath as without, to find out the true Nature of the Servants Quality, in the Lord's Service; and therefore if by the House it be adjudged contrary to the true Intent, any Member whatsoever must not think it strange, if in such Case both he himself suffer Reproof as the House shall think fit, and the Servants receive no Benefit by the Privilege, but pay the Fees; because the Justice of the Kingdom must be preferred before any personal Respect, and none to be spared that shall offend after so fair a Warning.

47. Resolved

- I. 47. Resolved by the Lords Spiritual and Temporal in Parliament assembled, That in Case of Complaint of any Lord, of this House of a Breach of Privilege, whereupon any Persons shall be summoned as Delinquents, or taken into Custody for the future, if the House, upon Examination of the Matter complained of, shall judge the same to be no Breach of *Privilege*, and that the Complaint was groundless, the Lord who made the Complaint shall pay the Fees and Expences of the Person or Persons so summoned or taken into Custody. E.
78 E. O.
11th Jan.
1699.
- 14th Dec. 1747. Cases of Lord Rofs in 1747, & of Lord Aldborough, in 1779--80.
- 9th Feb. 1784. 48. Resolved, That no Peer or Lord of Parliament hath Privilege of Peerage or of Parliament against being compelled by Process of the King's Courts to pay obedience to a Writ of *Habeas Corpus*, directed to him. 125 E. O.
8th June,
1757.
- 2d Nov. 1692. 49. *Lords to Answer upon Honour.*—The Nobility of this Kingdom, and Lords of the Upper House of Parliament, are to answer in all Courts of antient Rights as Defendants, upon Protestation of Honour only, and not upon Common Oath. * 70 E. O.
8th May,
1628.
50. *Minors.*—No Lord, under the Age of Twenty-one Years, is to be permitted to sit in the House of Lords. 93 E. O.
22d May,
1685.
51. *No Privilege of Peerage to Trustees.*—No Privilege of Parliament ought to be allowed unto Peers; in those Cases wherein they are concerned as Trustees only. 74 E. O.
12th Nov.
1685.
75 E. O.
29th April,
1699.
52. *Minor*

* Peers are privileged to answer upon honor *only* in Bills in the Courts of Equity; in all other cases, civil and criminal, their attestation, must be upon *Oath*: even in the High Court of Parliament, a Peer giving Evidence, must be sworn; as in the Case of the Bishop of Oxford, in Lord Macelsfield's; and of the present Earl of Mansfield, in Mr. Hastings's Impeachment: 12th Edition of *Blackstone's Commentaries*, by Mr. Christian, v. I. p. 409.

E. 52. *Minor Peers, Noble Women, and Widows* I.

76 E. O. of Peers.—Privilege of Parliament shall not
21st Feb. be allowed to Minor Peers, Noble Women or 30th July,
1692. Widows of Peers, saving their right of Peerage; 1707.
and if any Widow of any Peer shall marry a Countess of
Commoner, she shall not be allowed Privilege of Peerage. Refscom-
mon, in
1697.

49 E. O. 53. *Imprisonment of Lords.*—The Privilege 2d Nov.
18th April of the House is, that no Lord of Parliament 1692.
1626. fitting the Parliament, or within the usual time
of Privilege of Parliament, is to be imprisoned
or restrained, without Sentence or Order of the
House, unless it be for Treason, Felony, or
for refusing to give Security for the Peace.

Case of the
Earl of
Bristol.
66 E. O. 54. *Attornies and Solicitors, no Privilege.*— 30th July,
March 24, No common Attorney or Solicitor, tho' em- 1707.
1696-7. ployed by any Peer or Lord of this House,
shall be allowed *Privilege of Parliament*.

The 120th
E. O. 55. *Privilege.*—Resolved upon the Question, 16th Dec.
17 March, *Nemine contradicente*, That no Lord of Parliam- 1717-
ent, having once obtained the Leave of this
House to wave his Privilege in any Cause, shall
at any Time after be admitted to re-assume his
Privilege in the same Cause, without the Leave
of this House.
1730, en-
joins that a
Waver of
Privilege
must be in
Person, or
by writing.

56. Resolved, That no written Protection 23d Sep.
from any Lord Spiritual or Temporal shall be 1721.
hereafter valid or allowed. Case of Ld.
Refs, in
1747.

67 E. O. 57. It was Resolved on the Question, *Nemine*
15th April, *contradicente*, That if any Lord Spiritual or 2d Sept.
1712. Temporal shall grant a written Protection, in 1721.
Explained by the Contempt of the foregoing Resolution, to the
dishonour of the House, the Lord so offending
shall for his Offence be committed Prisoner to
the Usher of the Black-Rod, or the Constable
of the Castle of Dublin.

116 E. O.
25th Feb.
1723.

58. Resolved,

I. 58. Resolved, *Nemine contradicente*, That **R.**
 22d Dec. the Filing an Original Bill in any Court of
 1737. Equity; is not a Breach of the Privilege of this 73 E. O.
 House. 14th Dec.
 1696.

3d Nov. 59. *Witnesses to be examined, in Perpetuum* 72 E. O.
 1692. *Rei Memoriam*.—In all Cases wherein it is ne- 3d July,
 cessary to examine Witnesses in *Perpetuum Rei* 1678.
Memoriam, it shall not be taken to be a Breach
 of the Privilege of Parliament to file a Bill
 against a Peer in Time of Parliament, and
 take out usual Process for that purpose only.

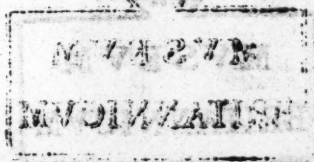
6th Feb. 60. *Titles of Honour assumed*.—Resolved by
 1758. the Lords Spiritual and Temporal in Parlia-
 ment assembled, That all Persons assuming to
 themselves Titles of Honour not warranted by
 Law, nor allowed by the known Courtesy of
 this Land, are guilty of a high Breach of
 the Privileges of this House.

These five
 Orders
 weremoved
 by the Earl
 of Clan-
 brissil, in
 conse-
 quence of
 a dispute
 about Pre-
 cedence, be-
 tween Lady
 Kenmare,
 and Lady
 Ann Daw-
 son, sister
 to the Earl
 of Pomfret,
 at the Cas-
 tle of Dub-
 lin.

61. Resolved by the Lords Spiritual and
 Temporal in Parliament assembled, That all
 Persons signing such Titles of Honour in Lieu
 of or as an Addition to their Names, are guilty
 of a high Breach of the Privileges of this
 House.

62. Resolved by the Lords Spiritual and
 Temporal in Parliament assembled, That all
 Persons bearing Ensigns of Honour not war-
 ranted by Law, nor allowed by the known
 Courtesy of this Land, upon their Carriages,
 Plate, or Furniture, with or without their
 Coats of Arms, are guilty of a high Breach of
 the Privileges of this House.

63. Resolved by the Lords Spiritual and
 Temporal in Parliament assembled, That all
 Printers and Publishers attributing Titles of
 Honour to any Persons to whom they do not
 properly belong, by inserting such Titles in their
 public



E. public News-papers or Advertisements, either in Lieu of or in Addition to the Names of such Persons, are guilty of a notorious Breach of the Privileges of this House.

I.

128 E. O.
March 20,
1767.

64. Resolved, That this House, or any Committee thereof, shall not proceed to the hearing upon any Claim to a Title of Honour, until 14 Days after printed Cases shall have been delivered, which shall contain an Abstract of the Proofs and Authorities upon which such Claim may be founded, together with the Dates thereof and References where the same may be found.

9th Feb.
1784.

Case of the
Earl of Or-
mond, in
1791.

Similar Or-
ders are not
to be found
on the Eng-
lish Roll.

65 *Custody*.—Resolved, That when any Person, ordered by this House to be taken into Custody, shall abscond, so that he is not taken till the Parliament is prorogued or dissolved; this House will renew their Order at the next Meeting, and so successively, till the Person is taken.

15th O.R.
711.

66. Resolved, That when any Person, taken into Custody by Order of this House, shall be discharged from his Confinement by the Prorogation or Dissolution of the Parliament, not having paid his Fees: that this House will at their next meeting renew their Order; and the Person shall be taken again and kept in Custody till he has paid the Officers their Fees.

25 E. O.
9th Feb.
1702.

67. *Against annexing Clauses in Bills of Aid*.—The annexing any Clause or Clauses to a Bill of Aid or Supply, the Matter of which, is foreign to, and different from the Matter of the said Bill of Aid or Supply, is unparliamentary, and tends to the Destruction of the Constitution of this Kingdom.

30th July
1707.

These two
Orders,
framed on
the 4th of
December,
1783, have
been most
effectual.

68. Resolved by the Lords Spiritual and Temporal in Parliament assembled, *Nemine dissente*, That all Grants for the Encourage-
ment effectual.



I. ment of particular Manufactures, Arts, and Inventions, or for the Construction or carrying on of any public or other Works, ought to be made in separate Acts, and that the Practice of annexing such Grants to Bills of Aid or Supply for the Support of His Majesty's Government, is unparliamentary, and tends to the destruction of the Constitution.

E.

69. Resolved by the Lords Spiritual and Temporal in Parliament assembled, *Nemine dissentiente*, That this House will reject any Bill of Aid or Supply to which any Clause or Clauses, the Matter of which is foreign to and different from the Matter of the said Bill of Aid or Supply, or any Clause or Clauses for the granting of any Sum or Sums of Money for the Encouragement of particular Manufactures, Arts, and Inventions, or for the Construction or carrying on of any public or other Works, shall be annexed.

1d. Nov. 1692. The First Irish Protest was on the 1st of Sept. in 1662. The Earl of Glendore signed before the House rose, next sitting day in 1786 and his Protest was allowed.

70. *Protestation.*—Such Lords as shall make Protestation, or enter their Dissent to any vote of the House, as they have a Right to do without asking Leave of the House either with or without their Reasons, shall make their Protestation, or give Direction to have their Dissent entered into the Clerk's Book, the *next sitting Day*, of the House, or else the said Protestation or Dissent to be void and of no Effect.

71. *Private Bills.*—That for the future no Private Bill shall be brought into this House, until the House be informed of the Matters therein contained by Petition to this House for Leave to bring in such Bill.

37 E. O.
5th March,
1641.
114 E. O.
27th Feb.
1721.*

95 E. O.
7th Dec.
1699.

4th Nov.

1783.

92. That

* Lord Clarendon remarks, that in 1640-1, the protesting with reasons commenced, before which time, Lords who protested, only entered their names in the Journal as dissentient to a Resolution,

101
16th
17

E. 72. That when a Petition for a Private Bill shall be offered to this House, it shall be referred to two Judges, who are forthwith to summon all Parties before them who may be concerned in the Bill, and after hearing all the Parties, are to report to the House the State of their Case, and their Opinion there-upon under their Hands, and are to sign the said Bill.—The same Method to be observed as to Private Bills that are brought up from the Commons, before the second reading of such Bill, by sending a Copy of the said Bill, signed by the Clerk, to the Judges.*

99 E. O. 16th Feb. 1705. Case of Lady Ely, in 1786. 103 E. O. 18th Dec. 73. That upon the reference of any Private Bill to the Judges as aforesaid, the Judges to whom the said Bill shall be referred, shall send to this House a List or Lists of all such Persons' Names as are to be sworn in relation to such Bill, and that they shall be thereupon sworn at the Bar of this House, in order to be examined by the Judges upon such Oath in relation to the Bill before them.

96 E. O. 16th Nov. 1705. 74. That for the future no Private Bill shall be read a second Time in this House, until printed Copies thereof be left with the Clerk of the Parliaments for the perusal of the Lords, and that one of the said Copies shall be delivered to every Person that shall be concerned in the said Bill, before the Meeting of the Committee upon such Bill; and in Case of Infaney, to be delivered to the Guardian or next Relation of full Age not concerned in Interest or in passing of the said Bill.

101 E. O. 16th Feb. 1705. 75. That in all Cases where Trustees shall be appointed by any Private Bill, the Committee

N. B. It is ordered by the 97th Order of the House of Lords of England, framed on the 14th of Jan. 1715, that when any cause should be appointed to be heard in the House; no private Bill whatsoever, should be read on that day, before the hearing of that cause.

I: to whom the Bill is referred, do take care that the Trustees appear personally before them; and accept the Trust under their Hands. And also that the Lord who shall be in the Chair of a Committee for passing of any Private Bill, when he makes his Report, shall acquaint the House, that all the Orders of the House in Relation to Private Bills were duly observed in the passing of the said Bill through the Committee.

*6. That for the future it be a general Instruction to all Committees who shall meet upon Private Bills, that they take no Notice of the Consent of any Person to the passing of such Bill, unless such person appear before them, or that there be an Affidavit of two Persons made, that he or she is not able to attend and doth consent to such Bill, and that when any Committee shall be appointed on a Private Bill, Notice thereof be affixed on the Doors of this House fourteen Days before the Meeting of the said Committee.

94 E. O.
20th April,
1698.

4d Nov.
1692.
The first
Writ of
Error in the
House of
Lords in
Ireland,
was on the
13th April,
1644.

77. *Proceedings on Writs of Error.*—Forasmuch as upon Writs upon Error returnable in the High Court of Parliament, the Plaintiff therein does often desire to delay Justice, rather than come to the Determination of the Right of the Cause: It is therefore Ordered, that the Plaintiff in all such Writs, after the same and the Records be brought in, shall speedily repair to the Clerk of the Parliaments, and prosecute his *Writ of Error*, and satisfy the Officers of this House their Fees justly due to them by reason of the Prosecution of the said Writs of Error and the Proceedings thereon, and further shall assign his Errors within Eight Days after the bringing in such Writs with the Records; and if the Plaintiff make Default to do, then the said Clerk (if the Defendant in such Writ require it) shall record, that the Plaintiff has not

54 E. O.
13th Dec.
1661.

55 E.
13th
16

E. not prosecuted his Writ of Error, and that the House doth therefore award that such Plaintiff shall lose his Writ, and that the Defendant shall go without Day, and that the Record be remitted; and if any Plaintiff, in any Writ of Error, shall alledge Diminution, and pray a *Certiorari*, the Clerk shall enter an Award thereof accordingly, and the Plaintiff may, before *in nullo est erratum* pleaded, sue forth the Writ of *Certiorari*, in ordinary Course, without special Petition or Motion in this House for the same; and if he shall not prosecute such Writ, and procure it to be returned within Ten Days next after his Plea of Diminution put into this House, then (unless he shew good Cause to this House for enlarging the Time for the returning of such Writs) he shall lose the Benefit of the same, and the Defendant on the Writ of Error may proceed as if no such Writ of *Certiorari* were awarded.

I.

55 E. O.
13th July,
1678.

78. Time limited to bring in Writs of Errors and Appeals.—All Persons who shall have any Writs of Error or Petitions of Appeal from any Court of Equity to be exhibited to this House, may bring in such Writs of Error and Appeals at any Time during this Session of Parliament, and for the Time to come they are to be brought in and received within fourteen Days from the first Day of every Session or Meeting of Parliament after a Recess, after which Time the Lords declare they will, during every such Sitting, receive no Writs of Error or Petitions of Appeal, unless upon a Judgment given in any of his Majesty's Courts of Judicature, or Decree made in any of the Courts of Equity whilst the Parliament is actually sitting: In which Cases the Party who shall find himself aggrieved, may bring his Writ of Error, or Petition of Appeal, within fourteen Days after such Judgment or Decree is given.

D 3

79. Re-hearings.

I. 79. *Re-hearings.*—No Petition, which relates *E.*
 30th July, to the Re-hearing of any Cause, or Part of a 57 E. O.
 1707. Cause, formerly heard in this House, shall be 14th Feb.
 Case of read the same Day it is offered, but shall lie 1694.
 Magrath v. upon the Table, and a future Day be appoint-
 Lord Mus- ed for the reading thereof, after Twelve of the
 kerry, in ed for the reading thereof, after Twelve of the
 1786-7. Clock.

Amended 80. *What Counsel shall sign Appeals.*—No 58 E. O.
 11th Feb. Petition of Appeal shall be received or receive- 3d March,
 1790. able into this House which is not signed by two 1699.
 Counsel, and the Clerk of the Parliaments shall
 not give a Certificate of any Petition of Appeal
 being lodged in this House, unless the same shall
 be signed by two Counsels; and no person
 whatsoever shall presume, as Counsel, to sign
 any Appeal to be brought into this House for
 the future, unless such Person hath been of
 Counsel in the same Cause in the Courts below,
 or shall attend as Counsel at the Bar of this
 House when the said Petition of Appeal shall be
 heard.

81. *Cases to be signed by Counsel.*—For pre- 59 E. O.
 venting scandalous and frivolous written and 9th April,
 printed Cases on Appeals and Writs of Error, 1698.
 no Person whatsoever shall presume to deliver
 any *written* or printed Case or Cases to any
 Lord of this House, unless such Case or Cases
 shall be signed by one or more of the Counsel
 who attended the hearing the Cause in the
Courts below, or shall be of Counsel at the
 hearing in this House.

Case of Ld. 82. *Petition for putting off Causes.*—When 60 E. O.
 Muskerry, a Day shall be appointed for the hearing of any 21d Dec
 in 1786-7. Cause, Appeal or Writ of Error, to be argu- 1703.
 ed in this House, the same shall not be altered,
 but upon Petition; and no Petition shall in such
 Case be received, unless two Days Notice
 thereof be given to the *adverse* party, of which
 Notice, Oath shall be made at the Bar of this
 House.

83. *Re-*

E.
Ibid

83. Resolved on the Question for the future, when any Days are appointed for hearing Causes upon Appeals or Writs of Error to be brought into this House, upon the Petition or Application of either Party, if it be put off to a further Day, that then the Person or Persons so petitioning or applying shall pay unto the adverse Party Ten Pounds Costs.

I.

56 E. O.
7th Dec.
1691.

84. *The Question in Judgment upon Writs of Error.*—Upon giving Judgment in any Cases of Appeals or Writs of Error, in this House, the Question shall be put for Reversing, and not for Affirming; * because in *all Cases* where the Votes are *equal*, it is carried *semper presumitur pro negante*; and yet the House is of Opinion, that a Decree or Judgment cannot be reversed, but by a Majority of Votes, tho' affirmed if equal, for then they alter nothing.

* These reasons are added to the Order adopted from England, and it is a universal rule in all cases in the House, or Committee of the House of Lords.

As to Appeals from any Order, Decree or Proceeding of, or in, any Court of Equity, the following Particulars ought to be observed, viz.

85. That every Appeal do come in the Form of a Petition.

The first Appeal to the House of Lords in Ireland was Jan. 22 1662.

86. That such Petition is to be moved or introduced by some Lord of Parliament.

87. That such Petition ought to be fairly ingrossed on Parchment, that it may have the permanent Quality of a Record, and that the Clerk of this House ought not to receive such Petition of Appeal, unless the same be so ingrossed on Parchment.

41 E. O.
16th Jan.
1710.

88. That in all Cases, upon Appeals to be Amended brought into this House, the Party or Parties Appellants shall, within eight Days after such Appeal shall be received, give Security to the

14 Feb.
1790.

- I. Clerk of the Parliaments by Recognizance to his Majesty, in the Penalty of Two Hundred Pounds, conditioned to pay such Costs to the Respondent or Respondents in such Appeals as this House shall appoint or award, in Case, the Decree, Order or Proceeding appealed against, shall be affirmed, or in Case the Appeal shall be dismissed for want of Prosecution, and if the Appellant or Appellants, shall neglect or refuse to give such Security within the Time aforesaid, that then the Clerk of the Parliaments shall inform the House, and the Appeal from thenceforth to be dismissed. E.

89. That in all Cases upon Writs of Error depending in this House when diminution shall at any Time be alledged, and a *Certiorari* prayed and awarded before *in nullo est erratum* pleaded, the Clerk of the Parliaments shall upon request to him made, give a Certificate that Diminution is so alledged, and a *Certiorari* prayed and awarded thereupon. 105 E. O. 21st Feb. 1717.

90. That when upon an Appeal to this House an Order is made for the Respondent to answer thereto by a Time limited, and no Answer is put in by that Time, upon Proof made of due Service of such Order, a peremptory Day shall be appointed for putting in the Answer, without any further Notice to be given to the Respondent. 106 E. O. 15th Jan. 1719.

91. That such Appeals as shall be presented during this Session, to which Answers shall be put in during this Session, and for hearing whereof no Day shall be appointed in this Session, and all such Appeals as shall be presented in any subsequent Session, to which Answers shall be put in during the same Session, and for hearing whereof no Day shall be appointed in such Session; if neither the Appellant or Respondent shall apply to 107 E. O. March 29. 1720.

E. to this House within eight Days, to be accounted from the first Day of the next Session, or Meeting of Parliament, for a Day of hearing, such Appeals shall stand dismissed; but without prejudice to the Appellants presenting any new Appeals thereafter, as they shall be advised, **L.**

708 E. O. 92. That such Appeals as shall be presented during this Session to which no Answer shall be put in during this Session, and all such Appeals as shall be presented in any subsequent Session, to which no Answer shall be put in during the same Session; if neither the Appellant within eight Days to be accounted, from and after the first Day of the next Session, or Meeting of Parliament, shall apply to this House to appoint a peremptory Day to answer, nor the Respondent put in an Answer within the said eight Days, such Appeals shall stand dismissed; but without prejudice to the Appellants presenting any new Appeals thereafter as they shall be advised.

109 E. O. 93. That when any Answer to an Appeal shall be put in future, the Clerk to whom it shall be delivered do immediately indorse thereon the Day on which such answer is brought in, and the Names of the Parties answering; and to whose Appeal such Answers are put in, the same Day entered in the Journal of this House.

117 E. O. 94. That in all Causes on Appeals or Writs of Error appointed to be heard in this House, the Appellants and Respondents, the Plaintiffs and Defendants, or their respective Agents or Solicitors, do for the future deliver to the Clerk of the Parliaments, or Clerk Assistant, to be distributed to the Lords of these Houses, printed Cases upon such Appeals or Writs of Error, at least six Days before the Hearing of the same,

I. same, and that no other different Cases in any such Causes be at any Time afterwards printed or delivered without Leave of this House. *E.*

95. That no Petition of Appeal from any Decree, Order or Sentence of any Court of Equity before this Time signed and inrolled, or extracted, be received by this House, after *five Years*, to be accounted from the Expiration of this present Session of Parliament, and the end of the next Session ensuing the said five Years. Nor shall any Petition of Appeal from any Decree Order or Sentence of any of the said Courts, to be hereafter signed and inrolled, or extracted, be received by this House, after five Years from the signing and enrolling or extracting of such Decree Order or Sentence, and the end of fourteen Days next ensuing the said five Years; unless the Person intitled to such Appeal be within the Age of one and twenty Years, or *Covert, Non Compos Mentis*, imprisoned, or out of Great Britain or Ireland. In which Cases such Person shall and may be at Liberty to bring his Appeal for reversing any such Decree or Sentence, at any Time within five Years next after his full Age Discoverture, coming of sound Mind, enlargement out of Prison, or coming into Great Britain or Ireland and fourteen Days to be accounted from and after the first Day of the Session or Meeting of Parliament next ensuing the said five Years, but not afterwards or otherwise.

96. That at the hearing of Causes; one of the Counsel for Appellants; shall open the Cause; then the Evidence on their Side shall be read; which done, the other Counsel for the Appellants shall make Observations on the Evidence: Then, one of the Counsel for the Respondents shall be heard, and the Evidence on their Side to be read; after which, the other Counsel for the Respondents shall be heard: and one Counsel only for the Appellants to reply.

97. That

118 E. O.

March 24,

1725.

219 E. O.

2d June,

1737.

E. 97. That when upon an Appeal to this House, an
 123 E. O. Order hath been or shall be made for the Re-
 March 28, spondent or Respondents to answer thereto by a
 1735. Time limited, if the Session of Parliament,
 wherein such Order hath been or shall be made,
 shall determine before the time so limited for
 anwering shall be expired; and no Answer
 shall be put in during the same Session; Service
 of such Order upon the Respondent or Respon-
 dents to such Appeal, by the Space of five
 Weeks at the least, before the first Day of the
 then next Session, shall be deemed good Ser-
 vice; and the Appellant may apply to this
 House for a peremptory Day for putting in the
 Answer, in Case the Respondent or Respondents
 shall not put in his or their Answer, within three
 Days to be computed from the first Day of the
 then next Session of Parliament.

I.

124 E. O. 98. That all such Appeals as shall be pre-
 8th June, sented during this Session, and for hearing
 1749. whereof Days shall be appointed during this
 Session, but which shall not be determined in
 this Session, and all such Appeals as shall be
 presented, for hearing whereof Days shall be
 appointed in any subsequent Session which shall
 not be determined in the same Session, shall be
 heard and determined in the beginning of the
 next Session of Parliament: in the same Order
 and Course as they shall stand to be heard at the
 End of this or any future Session; without any
 new Application to this House to appoint a Day
 for hearing the same: and that such of the said
 Appeals as shall stand first to be heard at the
 end of this or any future Session of Parliament;
 shall stand to be heard upon the Wednesday in
 the Week next after the Week in which any
 subsequent Session of Parliament shall begin;
 the second, upon the Friday following; and the
 third, upon the Monday following; and from
 thence the rest of the said Appeals in course;
 upon every Wednesday, Friday, and Monday;
 until

- A.** until they shall be all heard and determined: and that in case any such Appeal shall not be adjourned by Order of this House, made before the Day on which the same is hereby appointed to be heard, and the Party or Parties on the other side shall attend by their Council on the said Day appointed for hereing thereof, such Appeal shall be heard *ex parte*; and in case neither of the Parties to such Appeal shall attend by their Council on the said Day appointed for hearing thereof; then such Appeal shall stand absolutely dismissed; but without prejudice in this last case to the Appellant or Appellants presenting any new Appeal thereafter, in such Manner as the said Appellant or Appellants might have done in case such former Appeal had not been presented to this House, as he or they shall be advised, **R.**

99. That if the Respondent or Respondents to any Appeal depending in this House shall be desirous to exhibit a cross Appeal, they shall present the same within one Week after their Answer put into the original Appeal, otherwise the same shall not be received; 127 E. O. 8th March, 1763.

30th July, 1707. Obsolete. 100. *Not to print without Leave of the House.* —It shall be a Breach of the Privilege of this House for any Person whatsoever to print or publish in Print, any thing relative to the Proceedings of this House, without the Leave of this House. 77 E. O. 29th Feb. 1689. Obsolete.

2d Nov. 1692. Case of the Hon Simon Butler, and Dr. Hodson, in 1793. 101. *Fines.* —Whereas the High Court of the Upper House of Parliament do often find Cause, in their Judicature, to impose Fines amongst other Punishments upon Offenders, for the good Example of Justice, and to deter others from like Offences: it is thought reasonable that, at least once before the End of every Session, the Committee for the Orders of the House and Privileges of the Lords of Parliament do Bacon, and 46 E. O. 20th May, 1626. This Order related to the great Fines which had been imposed on the Chancellor

A. do acquaint the House with all the Fines that have been laid that Session, that thereupon their Lordships may use that Power they justly have to take off or mitigate such Fines, either wholly or in part: according to the measure of the Penitence or Ability of the Offender, or to suffer all to stand, as in Equity their Lordships shall think fit: and that, until every Session be ended, no Estreat be made of such Fines set or imposed by Parliament, or any Copy thereof to be made by the Clerk without especial Order, upon publick Motion in the full House.

A. others in England, about this period.

47 E. O. 102. *Trial of such Persons as shall be brought before the Lords.*—As this Court is the highest, from whence others ought to draw their Light, so the Proceedings thereof should be most clear and equal, as well on the one side in finding out Offences where there is just ground, as on the other side in affording all just means of Defence to such as shall be questioned; and therefore in all Cases of Moment, the Defendants shall have Copies of all depositions, *pro et contra*, after Publication, a convenient Time before the Hearing, to prepare themselves.

23th May, 1624.

63 E. O. 103. *Counsel at the Bar.*—Neither their Majesties Attorney General, nor any Assistant of this House, shall be allowed to be a Counsel for any private Persons whatsoever, without the Leave of the House.

13th Jan. 1685.

N.B. This and the other Irish Order are copied from 47 E. O. and that order comm-prizes both.

104. *Counsel to be admitted.*—If the Defendants shall demand it of the House in due Time, they shall have their learned Counsel to assist them in their Defence, whether they be able by reason of Health to answer in Person or not, so as they choose Counsel void of just Exception; and if such Counsel shall refuse them, they are to be assigned as the Court shall think fit. This is to be done, because in all Causes, as well civil as criminal and Capital, all lawful Helps.

I. Helps cannot before just Judges make any one that is guilty to avoid Justice; and on the other side, God forbid that the Innocent should be condemned! **E.**

105. Proxies.—No Lord of this House shall be capable of receiving more than two Proxies; no more to be numbered in any Cause voted: All Proxies from a Spiritual Lord shall be made to a Spiritual Lord, and from a Temporal Lord to a Temporal Lord: All Proxies to be sent in due Form, or else not to be allowed. 79 E. O.
25th Feb.
1625.

2 Nov.
1692.

106. Proxies vacated.—If a Peer, having Leave from the KING to be absent from Parliament, give his Proxy, and afterwards sit again in the House, his coming, and sitting again in that parliament, determines that Proxy. If a Peer, having Leave to be absent, make his Proxy and return, he cannot make a new Proxy, without new Leave. 80 E. O.
25th April,
1626.

107. Proxies in Judicial Causes.—No Proxy for the future shall be made use of in any judicial Cause in this House, although the Proceedings be by way of Bill. 83 E. O.
25th April,
1626.

30th July,
1707.

108. Proxies to vote.—A Lord having a Proxy and voting in the Question, ought to give a Vote for that Proxy, in case Proxies be called for. 84 E. O.
11th Feb.
1697.

* * * * *

109. Proxies entered after Prayers.—No Proxy entered in the Book after Prayers, shall be made use of the same Day in any Question. 85 E. O.
March 20,
1696.

* The Lords Committees in 1783, vacated an Order here, for allowing Proxies, in Preliminaries, in Judicial hearings and determinations, which still appears as the 82d Order, framed on the 11th of June, 1783, upon the English Roll.

110. Resolved

1609

E. 110. Resolved, That all Proxies of the Lords of Parliament do, and ought to determine upon a Prorogation after a Session.*

7th Nov.
1737.

• UNDER the HEAD of proxy; in the *general index*, to the *Journals* of the Lords of Ireland, (an advantage, which, they at present have over the English records, and Journals of the house of Lords) three instances occur; of protests entered by three Viceroys; against the claim and right of the House of Commons to originate laws; under the prescriptions of Poyning's law.

These examples occurred, in the cases of Lord Strafford, 1634-5; of Lord Sidney, in 1692; and of Lord Townshend, in 1769: The two last, were in regard to money bills: and in 1692, and in 1769, Parliament was prorogued immediately after these extraordinary acts of power. But as Poyning's law was in a great measure repealed; or newly modified in 1779-80; these claims, and violent exertions of power, cannot be repeated.

It is further to be observed; that the Lords of Ireland protest by proxy; a privilege unknown in England; which has been explained in the preceding work. *Irish. Parl. Hist. vol. 1. p. 153.*

And also; that the words of a Lord "having the King's licence, to, be absent from Parliament;" were left in the 106th Standing Order, when it was copied and adopted from the English Roll; though, there is not any reason to suppose; that such a licence was ever given from the Crown in Ireland.

But in the instrument by which proxies are granted in England; the words *per licentiam domini regis*, seem to denote that in early times such a licence from the crown was necessary for absence from the parliament, and for creating a proxy.

There are however no similar words in the form of a proxy in Ireland; (where those instruments, are in English; though they are still in Latin in England) and they created a doubt in 1789; whether proxies were good, that were made

I. made after a certain time : as they could not be supposed to have the royal licence : at that critical period-

B.

As there are not any orders of an earlier date ; than the *second* of November 1692 ; on the Irish Roll : it might appear ; that the Lords of Ireland, had no Standing Orders ; antecedent to that period.

But on the 23d of July, 1634, it appears ; that twenty two orders were entered in the Journals, that some were added afterwards ; and that Lord Strafford labored ; and had the good fortune to use an efficacious influence ; to assimilate the proceedings of the Lords in both kingdoms.

After an interval of Parliament of nearly twenty-five years, from 1666, to 1692, the Lords of Ireland, thought it expedient, to revise ; new model ; and add many orders, to their roll, which had not been adopted, before that PERIOD.

The frequent references to the famous law of Sir Edward Poynings, K. G. has been so often repeated ; and it is of a nature so curious in itself ; as extraordinary perhaps, as the institution of the *Lords of Articles** in the Scotch Parliament before the Revolution : that no compilation of this sort, could be complete without a statement of that statute ; which bears the name Poynings's law, from its being passed in his government, the 10th year of King Henry the Seventh ; chapter the fourth, and is as follows :

“ An Act, that no Parliament shall be holden
“ in this land ; until the acts be certified into
“ England.

“ *Item* ; At the request of the Commons of this
“ land of Ireland ; be it enacted, ordained and
“ established ; that at the next Parliament, that
“ shall be there holden ; by the King's command-
“ ment and licence ; (wherein amongst other
“ things, the King's grace intendeth to have a
“ general resumption of his whole revenues,
“ since the last day of the reign of King Edward
“ the Second) no Parliament be holden here-
“ after in this land ; but at such season as the

* *Robertson's History of Scotland*, v. 1. p. 81.

“ certify

E. " King's Lieutenant and counsel there, do first certify to the King; under the Great Seal of that land; the causes and considerations, and all such acts as to them seemeth fit, shall pass in the same Parliament; and such causes, considerations and acts, affirmed by the King and his council (in England) to be good and expedient for that land; and his licence thereupon, as well in affirmation of the said causes and acts; as to summon the said Parliament, under the Great Seal of England had and obtained: that done, a Parliament to be had and holden, after the form and effect above rehearsed: and if any Parliament be holden in that land hereafter; contrary to the form and provision aforesaid, it shall be deemed void, land of no effect in LAW."

The extreme inconvenience of sending over all the laws that were intended to be passed; before Parliament met; gave rise to the act of the third and fourth of *Philip and Mary*, c. 4. by which propositions for laws might be transmitted to England; while the Parliament was sitting.

Under these two laws the practice was, in the Irish Parliament till 1779-80: to make propositions to the Lord Lieutenant and council; for laws; which were transmitted to the King and council in England, and after a variety of stages, explained in the foregoing work;* they passed into laws.

But in 1779-80 a law passed; by which Bills in Ireland were to be enacted and ratified by the crown; in a similar manner, to the mode pursued in commissions; that are so often issued in England; when the King does not think it expedient, to give the Royal Assent in person, in the British Parliament.

* *Irish Parliamentary History*, vol. 1. p. 48.

CONCLUSION.

THE Act of Precedency, in the Reign of *Henry* the Eighth, which regulates the seats, not only of Peers; but of all the great English Officers of State, is not of force in Ireland : being of a date subsequent to the 10th year of *Henry* the Seventh ; at which period, all the antecedent laws of England were adopted, by a law passed under Sir *Edward Poynings*, K. G. Lord Deputy, and which is called emphatically by his name, in Lord *Bacon's* History of that Monarch.

A dispute about the Precedency of the Earl of *Surry*, was the cause of this law : * it has never been adopted in Ireland, and the crown still has the Prerogative of giving precedence; of which instances occur in the reign of *Charles* the First, and which have been noted in their proper places; but no examples occur of the exercise of this power in later periods.

The Precedence of the English, and of Irish Peers is regulated reciprocally by walking after those of their

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* *Lor s Journals*, vol. 1. p. 23.

own degree, in all state processions, and a similar rule obtains in all Fêtes, &c. at the Castle of Dublin; where an English Countess, &c. ranks after the last Irish Countess.

In all public processions English Peers are called by their whole titles by Garter, thus; *John Lord Viscount Hereford*, and so on; and after all those of that degree are called *seriatim*; then Irish Viscounts, &c. are called collectively without any peculiar designation.

The right of Irish Peers to walk at Coronations, was asserted by the late Earl of *Egmont*, in a very able publication, in 1737: but tho' he did not carry *that* point; it is supposed, that he effected the present arrangement, by which, Irish Peers walk in all other public processions marriages, funerals, &c. of the Royal Family, or other public Acts of State,* after those of their own degree.

According to Sir *William Blackstone*, Irish Peers are Esquires only in England:—thus, in the case of “*Frederick Calvert, Esq. Baron Baltimore, of the Kingdom of Ireland,*”—he was tried at Kingston Assizes, in March 26, 1768, for a capital offence, according to the *above* style and designation.

As English Peers, are Commoners in Ireland, it has been lately a question in the Court of Exchequer whether

* Lord Chatham's Funeral, June 9, 1778.

ther a Process should not abate for a misnomer, in the case of Lord *Sherborne*, as he was not named in the Writ according to the said designation (*mutatis mutandis*) of Lord *Baltimore*; but nothing was decided by the Court; upon that subject.

The curious case of the Earl of *Rochford*, representing *Killkenny* as a Commoner, in 1711, has been noted in the foregoing history, with two others of the same kind: and in England, upon a question relative to *John Vaughan*, Esq. created Viscount *Lisburne*, in Ireland, and his vacating his seat; it was *first* decided, that Irish Peers, might sit as Commoners in the British Parliament.*

This leading case was rendered more curious, by its being combined with the case of Lord *Faulkland*, a Scotch Peer, where a similar question occurred about Peers in that kingdom, the decision was similar, and Scotch Peers were eligible to the British Parliament, before the Union.

The Privileges of Parliament: such as franking, and freedom from arrests, &c. also from suits to a certain degree, were claimed by English Peers, and Commoners, till 1781—2.

The Irish being a branch of the English Post Office, when the Offices were separated, that Privilege ceased, and none but the franks of the Post-Masters General, and certain great State Officers, are allowed now by Acts of

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Parliament

Parliament of both kingdoms, between Great Britain and Ireland.

Consequently News Papers are transmitted to Ireland for two-pence; one-penny paid when put into the Office, and one-penny on the delivery.

The Privilege of Peers being exempted from arrests in Ireland is recognized, by the 110th Standing Order, framed the 3d of June 1720, which allowed a written affidavit taken in Ireland, to be a sufficient proof: which was explanatory of the 78th Standing Order, framed the 11th of January 1699, directing that no person should be committed on a complaint of a breach of Privilege, unless upon an oath made at the Bar of the House: but it is probable that these Privileges are not now insisted upon since no examples of them occur since 1781.

The rule about Peers answering upon honor, applies to Bills in Courts of Equity only; in all other cases civil and criminal, according to Mr. *Christian*, the elaborate, ingenious and valuable editor of *Blackstone*, or rather to speak more properly, the *modernizer* of the *Commentaries* of that legal luminary, (as all his comments are by his labour extended to 1793), even in the High Court of Parliament, a Lord giving evidence must be sworn, as was the case of the Bishop of *Oxford*, in the Earl of *Macclesfield's*, and of the present Earl of *Mansfield*, in Mr. *Hastings's* impeachment.

In

In order to render the present short, but laborious compilation, more useful and practicable, it is necessary to remark, that the notes on the outside; which relate to Irish cases, &c. are marked with the letter *I.* and those on the inside of the page, which are taken from England, are marked *E.* and thereby, from the number and date in the margin, references may be made to the English and Irish Rolls of Standing Orders; and moreover, that the date will lead, as well as if the page were cited to those parts of the English Journals not yet *indexed*, where the reasons and origin of the order may be traced.

Amendments to Bills, are to be specially noted in reports, by the Lord who presides in a Committee, and by the Speaker, or President; both of whom, are required by the thirty-fourth Standing Order in England, to mark the effect and coherence of such amendments.

This rule hath not been adopted in Ireland; though the proceedings upon Bills, and the briefs, or short notes of their contents, are read in the same manner, by the Presidents of the Lords and Commons, in both kingdoms. Those briefs (by the way) if they were properly digested, with small additions or alterations, might form admirable materials, for compilers of Parliamentary Proceedings, at the end of a Session, and be the readiest, perhaps the most efficacious mode of giving a general notoriety to *Acts of Parliament*.

The

The mode of passing laws before, and since 1780-1, in Ireland, has been already discussed in the preceding work, and has been now fully explained, by an able and learned commentator. *

Beside the reciprocal courtesy of admitting Peers of either kingdom above the bar in the House of Lords, with Members of the House of Commons; there is reason to suppose, that seats were assigned for Irish Peers, and that they were formerly admitted to trials in Westminster Hall, probably even without tickets; as may be inferred from the following order, upon Dr. *Sacheverel's* Impeachment :

16 Feb. 1709, *Lord's Journals*, v. 19, p. 85.

Ordered, " That when any Peereffes, or their daughters, shall come to the trial in Westminster-Hall, they shall be admitted to the seats which are secured for them. *Likewise Peereffes of Ireland, and their daughters.*"

In the foregoing short, but accurate, and laborious compilation, all the Orders of the Lords of England, have been recited in substance; their import traced from their origin, and the reasons on which they were originally framed,

* Twelfth edition of Blackstone, by Mr. Christian, Professor of Law, in the University of Cambridge, v. 1, p. 102.

have only the seventy-first Standing Order, which requires "That no oath shall be imposed by any Bill, or otherwise, upon any Peers, with a penalty, in case of refusal, to lose their places and votes in Parliament, or the liberty of the debates therein."

This order was *framed* the 30th of April, 1675, and it is very extraordinary that it should still appear upon the Roll : and never have been *formally*, as it has in effect been *vacated*, by the sovereign and paramount authority of an Act of Parliament.

This Order, as it now appears, is a testimony of the highest authority ; and proves with what extreme reluctance the House of Lords suffered the exclusion of the Catholic Peers ; a circumstance much dwelt upon by the Duke of *Ormond*, who has recorded his own feelings and sensibility on this subject, in the valuable Memoirs, which he has bequeathed to posterity.*

A system, justified only by the spur of the occasion, and by the expedience of the times ; but which, perhaps, we may hope to see removed, with other restraints and severe penalties, at a period, in the course of nature, not very remote ; at the death of the children of the late Pretender ; which will form a memorable epoch in the annals of the English constitution.†

* Irish Parliamentary History, v. 1, p. 305.

† Blackstone's Commentaries.

The fifty-second Standing Order in England, from a brevity of expression, necessarily incidental to short rules, seems to be somewhat ambiguous.

The words, " That Peers are to be tried in full "Parliament," may bear an interpretation, that Peers are to be tried *only*; when the whole Parliament, King, Lords, and Commons, are legally convened; and only at such periods.

But, the words are to be taken in a restricted sense, and as intended only to require, that all Peers, who are duly qualified, should be summoned, and that the trial of a Peer, should be by the *whole* body.

Prescriptions which since the 14th of July 1689, when that order was framed, have been carried into execution, by the 7th and 8th of King William, adopted in Ireland in 1773-4, as was before observed.

This construction is also to be applied to the next, or fifty-third Standing Order, framed on the seventeenth of January, 1689, which explains the former Order, and declares, that that rule, shall not be applied to appeals of murder, or of felony, against Peers; processess which were allowed to be brought by the nearest of kin, for the loss of their relatives, either before, or after they had been sued by the Crown. A mode of proceeding, of which it is said, very few instances occur in later periods.

Touching

Touching the Trials of Peers, before the Revolution, it is to be observed, that while Parliament was sitting, they were tried by the *whole* body; but in the interval, and during a prorogation, they were tried by a Jury of *twenty-three* Peers, summoned by the Crown; against whom no challenges, either peremptory, or with reasons, were allowed; so that Peers, in such cases, were in a worse situation than any other subjects.

The case of Lord *Delamere*, in the reign of James the Second, where it is said, that the prorogation of Parliament was accelerated, to bring him before this partial tribunal, is supposed to have been the leading case, that operated upon the House of Lords, to frame the above order and declaration, which was carried by a subsequent Act of Parliament, into farther effect.

Touching the Trials of Peers in Ireland, it is to be remarked, that there are but *two* instances recorded from 1634, when the Lords Journals commenced, namely, that of Lord Viscount *Netterville*, in 1743, and of Lord *Santry*, near that period.

The former, who was tried during a session for a murder, was acquitted: the latter, who was tried in the interval of Parliament, was condemned for a similar crime; and his title and estates were forfeited; as murder; under a *peculiar* law of *Henry* the Seventh,

was

was *formerly* considered as high treason in Ireland; but his life was spared, by the clemency of the late king.

Upon both trials, the Lords sat, in the chamber, where the House of Commons assemble; which was borrowed, and prepared for that purpose.

In Mr. *Prynne's* laborious and ingenious argument, in the case of Lord *Maguire* in 1640; *he labours to prove that there were no instances of Trials of Peers, by their own body, in Ireland; but that the antient custom in that kingdom was, to attaint them by Act of Parliament: and though he cites an instance of Lord *Slane*, who was tried in 1620-1, for murder, before the Lord's Journals commenced, yet, he lays no stress upon that precedent*.

At both the trials above mentioned, the Lord Chancellor *Wyndham* presided; and it is specially noted, in his *epitaph* in Salisbury Cathedral, that he was the only Lord High Steward, that was *ever* appointed in Ireland.

* Hargrave's edition of the State Trials.

THE
P E D I G R E E
OF THE
MARQUIS CORNWALLIS,

THE following Pedigree, was compiled from the case of the Earl of Ormond; accurately stated, proved, and admitted in 1791; in the House of Lords of Ireland.

Of all the statements of this sort, that have appeared; this perhaps, is the best authenticated, and the most satisfactory.

If Nobility; if noble descent; be valuable additions, or, desirable advantages; the public must be pleased with a Pedigree, commencing with our English Justinian, the first Edward; and terminating, with the late Governor General of the East Indies.

The Eulogium, that the Roman Poet bestows upon his patrón,

— Anavis Edite Regibus;

Oh! Et Præsidium, & Dulce Decus Meum!

May

May with peculiar propriety, be applied to that distinguished character; in whom the public hopes, and the well grounded confidence of his country repose, in the present arduous contest, at a crisis, unparalleled in the annals of mankind.

This abridgement, was compiled by the Author, the 27th of March, 1791. It was inserted in the Public Advertiser, a few days afterwards; and it is sub-joined, as a curious article, and a valuable addition, to this short, but accurate, useful, interesting, and laborious compilation.

JAMES BUTLER, was created Earl of *Ormond*, in 1327, the second year of *Edward* the Third; he married *Elinor*, daughter of *Bobun*, Earl of *Hereford*, by *Elizabeth*, seventh daughter of King *Edward* the First.

He was succeeded by his son, (by the said *Elinor*) *James*, the Second Earl of *Ormond*, in 1338; who was Lord Justice of *Ireland*; who had issue a son of the same name, who became third Earl of *Ormond*, and was Lord Deputy of *Ireland*.

His son, of the same name, became the fourth Earl of *Ormond*, in 1405; and was Lord Deputy, in the reign of the fourth and fifth *Henry's*.

He was succeeded by a son, *James*, the fifth Earl of his name, who was created Earl of *Wiltshire* in England, and

and K. G. and was Deputy of *Ireland* for ten years, in the reign of *Henry* the Sixth: by his dying without issue in 1515, the *English* title was extinct; but his brother *Thomas* inherited, as sixth Earl of *Ormond*.

Upon his death without male issue, his couzin *Pierce Butler* became the seventh Earl; who was descended from *James*, the third Earl of *Ormond*.

King *Henry* the Eighth wishing to gratify Sir *Thomas Bullen*, the father of his beloved Queen, (who descended by her mother from *Thomas* the sixth Earl of *Ormond*) prevailed upon *Pierce Butler* to resign this title in his favour; and he was created Earl of *Offory*; but upon the death of Sir *Thomas Bullen*, his eldest son *James* resumed the title, and became the eighth Earl of *Ormond*; which Title was confirmed to him by an Irish Act of Parliament; in the 35th year of *Henry* the Eighth.

James, the eighth Earl of *Ormond*, was succeeded, in 1536, by his son *Thomas*, the 9th Earl, who died in 1614; who was succeeded by his nephew, *Walter*, the tenth Earl of *Ormond*.

Lord *Thurles*, his eldest son, having died before his father *Walter*; he was succeeded by his grandson *James*, the eleventh Earl; so celebrated afterwards as Marquis, and Duke of *Ormond*, for his loyalty, his virtues, and his patriotism.

This

This eleventh Earl, and first Duke of *Ormond*, had two sons: the Earl of *Offory*, father of the last Duke of *Ormond*; and the Earl of *Arran*; who left a daughter, an heiress.

This heiress, Lady *Charlotte Butler*, daughter and sole heiress of *Richard* Earl of *Arran*, who was second son to the first Duke of *Ormond*; was married the first of June, 1699, to *Charles* Lord *Cornwallis*,

Charles their son, born the 29th of March, 1700, was created an English Earl; the 30th of Dec. 1753; and died in 1762: leaving, amongst other issue, the present Marquis *Cornwallis*: born in 1737-8; who, upon the extinction of the descendants of the Earl of *Offory*; in the persons of the last Duke of *Ormond*, in 1745; of the Earl of *Arran*, his brother, in 1758; and of their sister the Lady *Emilia Butler*, became the only representative in the female line, of the first Duke of *Ormond*.

From a passage in Sir Robert Southwell's Narrative: Parliamentary History, v. 1. p. 193; there is reason to suppose, that Theobald Fitzwalter, Lord Butler of Ireland, (whence the family name is derived) was Lord of Carrick, in 1247, the 31st of Henry the Third.

This probably was a Barony in Fee; and would descend; if such remote antiquity could admit of accurate evidence; to the Marquis *Corawallis*, as *heir* general, and *lineal* descendant of the Earl of *Arran*, second son of the first Duke of *Ormond*.

Of this Title of Carrick; the late Lord *Arran*, who died in 1758-9, was so tenacious, that when Viscount *Ikerrin* was created an Earl, and had assumed that title without his knowledge or consent; (which he considered, as the first title of his family) he left him out of the entail, to his immense property; a succession which was shortly after; a very probable contingency.

F I N I S.

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